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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(CRL) 2687/2025 & CRL.M.A. 25383/2025**

YESHAS JAIN THR. HIS FATHER

ASEEM JAIN

.....Petitioner

Through: Mr. B.P. Sharma and Ms.
Samsun Nihar, Advs.

versus

STATE NCT OF DELHI AND ORSRespondents

Through: Mr. Sanjay Lao, Standing
Counsel for the State with
Mr. Abhinav Kumar and
Mr. Priyam Agrawal,
Advs. with SI Sonal Raj,
PS Bharat Nagar.

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

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26.08.2025

1. The present petition is filed through the petitioner's father seeking adequate security and safety of the petitioner (minor child) at home.
2. It is the case of Mr. Aseem Jain (father of the petitioner) that his wife/ Respondent No.3 is facing severe behaviour issues due to which she also beats the child mercilessly and he is concerned about the safety and security of his minor child.
3. It is stated that at this time, the wife of Mr. Aseem Jain is admitted in the Institute of Human Behaviour and Allied Sciences ('**IHBAS**')/ Respondent No.4 and she is undergoing treatment at the said institute.
4. Concededly, at this stage, the child is in custody of Mr.



Aseem Jain and he does not face any threat from Respondent No.3. Even otherwise, in the opinion of this Court, Respondent No.3 is the biological mother of the child and no order of such nature imposing any impediment on the mother to not interact with her child can be passed while exercising powers under Article 226 of the Constitution of India. No directions can be issued to the Police at this stage to provide any security for the child's protection either. Petitioner is at liberty to take recourse to proceedings for the sole custody of the minor child.

5. In regard to the prayer seeking directions to IHBAS to not immediately discharge Respondent No.3, the petitioner is at liberty to take appropriate steps and contact the Hospital Authorities in that regard. The discharge of a patient is the discretion of the Hospital Authorities, and a suitable decision will be taken by the Hospital after appropriately examining the patient.

6. Insofar as prayer for a suitable alternative accommodation for Respondent No.3 is concerned, the said prayer also cannot be allowed, since undisputedly, it is a dispute between a husband and a wife in regard to accommodations being used by them. Petitioner can initiate appropriate proceedings against his wife and for providing alternate accommodation.

7. Although this Court is conscious of the well-being of the child, however, as discussed above, no relief can be passed in the remit of the present proceedings.

8. Needless to say, Mr. Aseem Jain is at liberty to take all steps to protect the minor child in accordance with law.

9. No interference of the Court is required at this stage in the present proceedings.



10. The present petition is disposed of with the aforesaid observations. Pending application(s) also stand disposed of.

AMIT MAHAJAN, J

AUGUST 26, 2025 / 'KDK'